

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah, in the interest)	MEMORANDUM DECISION
of E.C., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20060008-CA
)	
N.S.,)	F I L E D
)	(March 23, 2006)
Appellant,)	
)	2006 UT App 121
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 447878
The Honorable Robert S. Yeates

Attorneys: Jeffrey J. Noland, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce and Tracy S. Mills, Salt Lake City,
Guardians Ad Litem

Before Judges Davis, Orme, and Thorne.

PER CURIAM:

N.S. (Mother) appeals the juvenile court's termination of her parental rights in E.C. We affirm.

Mother challenges the sufficiency of the evidence to support the grounds for termination. Specifically, Mother contends that she "was never afforded the opportunity to complete a service plan or [given] reasonable services." Mother also argues that she did not receive "reasonable notice" of the proceedings below.

The juvenile court "may terminate all parental rights with respect to a parent if the court finds any one of" the enumerated grounds for termination. Utah Code Ann. § 78-3a-407(1) (Supp. 2005); In re F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (noting any one of the grounds listed in section 78-3a-407(1) is sufficient "by itself" to terminate parental rights). The

statute further requires that, if reunification services were ordered, the trial court must find that the Division of Child and Family Services (the Division) made "reasonable efforts" to provide the services before the court can terminate a parent's rights under subsection (1)(b), (c), (d), (e), (f), or (h). Utah Code Ann. § 78-3a-407(3)(a). Abandonment is not among the grounds listed as requiring a finding of reasonable efforts. Therefore, the juvenile court was not required to enter a finding that the Division made reasonable efforts to provide reunification services to Mother before terminating her parental rights.

To the extent Mother argues that the evidence is insufficient to support the ground of abandonment, the juvenile court's findings indicate that Mother had no contact with E.C. for approximately four years prior to his removal and no contact between the time of removal in July 2004 through February 2005. The juvenile court also determined that Mother "failed to show the normal interest of a natural parent towards her child." These findings are sufficient to establish abandonment as a ground for termination of parental rights. See Utah Code Ann. § 78-3a-408(1) (Supp. 2005). Accordingly, it is unnecessary to consider the additional grounds for termination.

Further, the record indicates that Mother had sufficient notice of the proceedings. Although Mother relies on In re A.H., 2004 UT App 39, 86 P.3d 745, this is not a case where "the failure by [the Division] to properly serve [Mother] with notice of the removal and to inform [her] of the many proceedings during this same time period, deprived [her] of the opportunity to take steps and assert [her] parental rights." Id. at ¶22. To the contrary, the juvenile court specifically found that the Division made reasonable efforts to locate Mother and advise her of the pendency of this case. Mother simply chose not to participate therein.

Soon after Mother first appeared in this case, she was appointed counsel and was thereafter represented in the proceedings. Mother attended a permanency hearing and a pretrial hearing, and a petition for termination was served upon her. However, after the pretrial hearing, it appears from the record that Mother did not appear before the juvenile court again, despite the occurrence of a number of hearings and the termination trial. Although the juvenile court extended the date for trial on more than one occasion, Mother opted not to participate in or attend the trial. Mother has not shown that her due process rights were violated in a manner that requires reversal of the juvenile court's order.

Accordingly, we affirm the order terminating Mother's parental rights.

James Z. Davis, Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge